IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2942 of 2005

Between:

Smt. S. Rajamani, W/o. Nehru Chand,
Govt S.T. Girls Hostel, Korivi, Warangal District.

..... PETITIONER

AND

1 The Project Officer, ITDA,

Eturunagaram, Warangal District.
2 The District Collector, Warangal.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more in the nature of mandamus declaring the orders passed by the first respondent in Proc. RC.No. TWE5f/113/2005, dt. 15.2.2005 canceling the orders passed in Proc. Rc.No.E7 E2-B/556/94, dt. 16.12.2000 and reconverting the petitioner as Teacher category from Hostel welfare Officer, Matron Gr. II, S.T. Girls High School, KOrivi to Tribal Welfare Ashram High School for Girls Tadvai in the existing Vacancy is arbitrary, illegal and violative of Article 14, 16 and 21 of the Constitution and service rules and the principals of natural justice and consequentially to declare that the petitioner is entitled to continue in the post of Hostel welfare officer (Matron Gr.II) STGH, KOrivi with all continuity of service, and to pass such other order or orders as this Hon. Court my deem fit and proper.

Counsel for the Petitioner :Mr.P.V.RAMANA

Counsel for the Respondents :G.P. FOR TRIBAL WELFARE .

The Court at admission stage made the following :

ORDER:

Challenging the proceedings dated 15-02-2005 cancelling the proceedings of the first respondent dated 16-12-2000 and reconverting the writ petitioner as teacher category from Hostal Welfare Officer, Matron Gr.II.S.T.Girls High School, Korivi to Tribal Welfare Ashram High School for Girls, Tadvai in the existing vacancy, the present writ petition is filed.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for social welfare.

The petitioner was converted as a matron by the Project Officer, ITDA, by his proceedings dated 13-10-1999. The action of the Project Officer has been ratified by the District Collector, Warangal in his proceedings by note orders dated 12-12-2000. Since then the writ petitioner is working as a matron, Grade II. While the matter stood thus, the impugned orders dated 15-02-2005 has been passed by the first respondent stating that there is no provision for appointment by transfer from the category of teacher to the post of matron and accordingly the petitioner was directed to hand over the charge and join duty as a teacher in the Tribal Welfare Ashram High School for Girls, Tadvai.

The learned counsel for the petitioner contended that for the last five years, the petitioner has been discharging her duties as Gr.II Matron and without notice, she was converted as a teacher and therefore, he prays to set aside the same. He also contended that as per A.P. Social Welfare Subordinate service rules, for the post of Matron, Grade II, from any other service, a person can be posted or transferred or converted.

On the other hand, the learned Government pleader opposed the same on the ground that the A.P. Social Welfare Subordinate Service Rules as issued in G.O.Ms.No.189 dated 31-12-1997 has no application and the petitioner was transferred from the category of teacher to the Matron illegally without any provision. Hence the impugned order does not suffer from any legal infirmities so as to call for any interference by this court.

Since the respondents have not filed any counter affidavit, the contention with regard to application of rule or any provision governing the service condition of the Matron, Grade II or whether a Teacher cadre is a feeder category to the Matron, Grade II are left open. No opinion is expressed with regard to these aspects.

As seen from the impugned proceedings, admittedly without notice, the petitioner was converted as teacher from Gr.II Matron and she has been working as such for the last five years. Since the petitioner has been working as a Matron, Grade II for the last five years, it is expected that the Project Officer (Hostel Welfare Officer) should have afforded a reasonable opportunity to the writ petitioner before passing the impugned order. Hence the impugned order is contrary to the violation of principles of natural justice, and it has to be set aside.

Accordingly, the writ petition is allowed and the impugned proceedings dated 15-02-2005 are set aside,. However, this order will not preclude the respondents in taking appropriate action as per rules and regulations governing the service conditions after giving a reasonable opportunity to the writ petitioner.

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K.C.BHANU, J.

Dt: 01-03-2005.

RNS

To

1 The Project Officer, ITDA,

Eturunagaram, Warangal District.

2 The District Collector, Warangal.

3 Two CCs to G.P. for Tribal Welfare, High Court of A.P.,

HYDERABAD(OUT)

4 Two CD copies

5 1 CC to MR.RAMANA